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571-273-8300

TO: EXAMINER Myriam Pierre**EXAMINER'S TELEPHONE NUMBER** 571-272-7611**ART UNIT** 2654**SERIAL NO.** 09/912,133**FROM:** Edward W. Goodman**REGISTRATION NO.** 28,613PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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Enclosed: R111 Response + Cover

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OCT 31 2005

In re Application of

Atty. Docket

CHIH-CHUAN YEN ET AL.

PHTW 000005

Serial No.: 09/912,133

Group Art Unit: 2654

Filed: July 24, 2001

Examiner: M. Pierre

Title: SYSTEM FOR CONTROLLING AN APPARATUS WITH SPEECH
COMMANDSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an amendment in the above-identified application.


☒ No additional fee is required.

☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED					
	Claims remaining after amendment	Highest number previously paid for	Number extra	Rate	Additional Fee
Total Claims	7 Minus 20 ¹ =		X \$50 =		\$
Independent Claims	4 Minus 4 ² =		X \$200 =		\$
Multiple Dependent Claims, if any. If not previously paid, \$360.					\$
Total Additional fee for this amendment				=	\$

¹If less than 20, enter 20. ²If less than 3, enter 3.

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Edward W. Goodman, Reg. 28,613
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SYSTEM FOR CONTROLLING AN APPARATUS WITH SPEECH COMMANDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 C.F.R. 1.111

This is in response to the Office Action mailed August 19, 2005, in which the Examiner rejected claims 4-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,397,388 to Allen.

Applicants traverse the above rejection and offer the following explanation.

The Allen patent discloses systems and devices for audio capture and communication during television broadcasts, in which a remote control 204 sends remote control signals to a set-top box 102 for controlling signals sent by the set-top box 102 to a television receiver 202 connected thereto. The remote control 204 contains a microphone 208 (indicated as 209 in Fig. 2) for capturing sound wave and generating an analog or digital audio signal. The microphone 208 is controlled by a switch 206 which

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toggles operation of the microphone 208. The remote control 204 includes a transmitter 210 for transmitting the control signals as well as the audio signal to the set-top box 102. The set-top box 102 includes a receiver 212 for receiving the signals from the transmitter 210 and a converter 214 for converting the audio information (i.e., the audio signal) into a digital audio stream compatible for transmission over the network 100, i.e., a cable system for reception by the appropriate set-top box in the network. The set-top box 102 may optionally contain an additional microphone (208 in Fig. 5) for additionally or alternatively capturing audio signals. To that end, the switch 206 on the remote control 204 alternatively controls the microphone on the set-top box 102 as well as the self-contained microphone.

The subject invention relates to a system including an apparatus and a remote control for controlling the apparatus. The system comprises a speech processor for processing speech commands, a microphone arranged on the remote control for enabling a user of the remote control to input the speech commands, a further microphone for enabling further users of the system to input speech commands, and input designation means for enabling the user to selectively designate which of the microphone and the further microphone is to be used as a signal source to the speech processor.

As indicated in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that Allen teaches "an inherent speech processor for processing speech commands (col. 4 lines 34-40)".

Applicants submit that the Examiner is mistaken. In order for there to be inherency, there must be some suggestion of the limitation in the reference. Applicants urge that such a suggestion is non-existent in Allen. In particular, Allen states, at col. 4, lines 34-40:

"In the illustrated embodiment, the remote control 204 includes a microphone 208 for capturing sound waves and generating an analog or digital audio signal. The microphone 208 is in electrical communication with a microphone button 206, which toggles operation of the microphone 208 in one implementation. The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202."

Applicants submit that the only suggestion in the above passage is that the remote control includes means operated by the

additional buttons for generating control signals for controlling the STB 102 and the television 202.

As described in Allen at col. 1, lines 28-56, the watching of some television programs is a communal event and it is desirable to converse with other viewers during the broadcast of the program. However, when the viewers are in different locations, it may not be convenient to conduct a teleconference during the program.

Allen then describes, at col. 1, line 66 to col. 2, line 37, that the system of the invention provides an alternate communication system in which audio information is captured by a microphone in one room, sent to the corresponding set-top box, and transmitted via the network to a set-top box at another location for reproduction by a connected television receiver.

This function of the system of Allen is described in detail at col. 4, line 17 through col. 10, line 6. Nowhere in Allen is there any suggestion that the audio information being captured by the microphone is speech control information for controlling functions of the set-top box and/or the television.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by Allen, and as such, is patentable thereover.

Applicants believe that this application, containing claims 4-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 

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